

# **EXHIBIT 37**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**CERTIFIED COPY**

BEFORE THE HONORABLE YVONNE GONZALEZ ROGERS, JUDGE

ANGIOSCORE, INC.,	)	<b>COURT TRIAL</b>
	)	
PLAINTIFF,	)	<b>VOLUME 3</b>
	)	
VS.	)	NO. C 12-03393 YGR
	)	
TRIREME MEDICAL, INC.,	)	
EITAN KONSTANTINO AND	)	<b>PAGES 468 - 670</b>
QUATTRO VASCULAR PTE. LTD.	)	
	)	
DEFENDANT.	)	OAKLAND, CALIFORNIA
	)	WEDNESDAY, APRIL 15, 2015

**REPORTER'S TRANSCRIPT OF PROCEEDINGS**

APPEARANCES:

FOR PLAINTIFF: QUINN, EMANUEL, URQUHART & SULLIVAN  
55 TWIN DOLPHIN DRIVE, SUITE 560  
REDWOOD SHORES, CALIFORNIA 94065  
BY: SKY ADAMS,  
MARGARET CARUSO,  
DIANE M. DOOLITTLE,  
LAURA FAIRNENY,  
ROBERT P. FELDMAN,  
KIMBALL D. PARKER,  
CATE SAAD,  
MARGARET H.S. SHYR,  
NATHAN SUN, ATTORNEYS AT LAW

(APPEARANCES CONTINUED NEXT PAGE)

REPORTED BY: RAYNEE H. MERCADO, CSR NO. 8258

PROCEEDINGS REPORTED BY ELECTRONIC RECORDING DEVICE;  
TRANSCRIPT PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

**RAYNEE H. MERCADO, CSR, RMR, CRR, FCRR (510) 451-7530**

1 BEEN ON OUR BOARD FOR THE LAST SEVERAL YEARS AND KNEW ALL OF  
2 OUR STRATEGIES, PRICING PLANS, CUSTOMERS, ET CETERA.

3 Q. DID HE CHARACTERIZE IT AS A POBA?

4 A. HE DID.

5 Q. DID HE ASK IF ANGIOSCORE WAS INTERESTED IN DISTRIBUTING  
6 IT?

7 A. YES.

8 Q. WHAT WAS YOUR RESPONSE TO THAT?

9 A. I TOLD HIM WE DID NOT HAVE AN INTEREST IN DISTRIBUTING THE  
10 PRODUCT.

11 Q. NOW, IT SOUNDS LIKE -- DID YOU CONSIDER POBA'S TO BE  
12 COMPETITIVE WITH ANGIOSCULPT?

13 A. I CONSIDER ALL ANGIOPLASTY CATHETERS TO BE COMPETITIVE  
14 WITH ANGIOSCULPT, BOTH POBA CATHETERS AND OTHER CATHETERS.  
15 SO, YES.

16 Q. DO YOU CONSIDER THEM ALL TO BE HAVING THE SAME DEGREE OF  
17 COMPETITIVENESS?

18 A. NO.

19 Q. AND EXPLAIN THAT TO US, IF YOU WOULD.

20 A. WELL, IN THE BROADEST SENSE, WE COMPETED WITH PLAIN OLD  
21 BALLOON ANGIOPLASTY AS WELL AS SPECIALTY BALLOON CATHETERS AS  
22 WELL AS ATHERECTOMY DEVICES. BUT OUR PRIMARY AREA OF FOCUS  
23 WAS SPECIALTY BALLOON CATHETERS.

24 Q. IN THE AREA OF SPECIALTY BALLOON CATHETERS -- OKAY. I'LL  
25 WITHDRAW THAT.

1       **A.**    ONE OF OUR SALES REPS, MIKE MAIER, AT THE WASHINGTON --  
2           WAS CALLING ON THE WASHINGTON HOSPITAL CENTER AND HAD  
3           UNDERSTOOD FROM THE TECHS THERE THAT A PRESENTATION HAD BEEN  
4           MADE TO DR. NELSON BERNARDO ON A NEW DEVICE CALLED THE  
5           CHOCOLATE BALLOON.

6       **Q.**    WHEN DID YOU FIRST LEARN THAT MR. KONSTANTINO HAD STARTED  
7           WORKING ON CHOCOLATE WHILE STILL ON ANGIOSCORE'S BOARD?

8       **A.**    I DID NOT LEARN THAT INFORMATION UNTIL LAST YEAR IN THE  
9           SPRING OF 2013 WHEN WE HAD --

10      **Q.**    HOLD ON.   WHAT YEAR ARE WE IN?

11      **A.**    I'M SORRY.   2014.

12      **Q.**    YOU SAID --

13      **A.**    I MISSPOKE.

14      **Q.**    I'M SORRY.   AND I INTERRUPTED YOU.   PLEASE PROCEED.

15      **A.**    I'M SORRY.

16           IT WAS IN THE SPRING OF 2014.   IT WAS IN MARCH/APRIL TIME  
17           FRAME.   WE HAD GOTTEN THE INFORMATION CONFIRMED, WHEN THEY HAD  
18           BEGUN THE PRODUCT, IN THE DEPOSITION OF TANHUM FELD.

19      **Q.**    NOW, IS CHOCOLATE A POBA?

20      **A.**    CHOCOLATE PERFORMS LIKE A POBA CATHETER.   AT LEAST WE  
21           BELIEVED THAT AT THE TIME WHEN WE FIRST SAW THE PRODUCT AND  
22           FOR A PERIOD OF TIME AFTER, BECAUSE THERE WAS NO PUBLISHED  
23           CLINICAL DATA IN ANY PEER-REVIEWED JOURNAL ANYWHERE IN THE  
24           WORLD THAT SAID WHAT IT COULD REALLY DO.

25      **Q.**    IS THE CHOCOLATE DEVICE A POBA?

1 **A.** I BELIEVE THAT IT'S A SCORING BALLOON CATHETER.

2 **Q.** IS IT A SPECIALTY BALLOON?

3 **A.** YES.

4 **Q.** I WANT TO TURN TO ANOTHER SUBJECT, AND THAT IS SOME  
5 QUESTIONS -- SOME DISCUSSION AMONGST THE BOARD AND SOME  
6 QUESTIONS POSED TO THE BOARD BY SOMEONE BY THE NAME OF SARAH  
7 LUGARIC. THIS IS IN DECEMBER OF 2009.

8 **A.** YES.

9 **Q.** WHAT WAS THE CONTEXT OF HER INVOLVEMENT WITH THE COMPANY?

10 **A.** SHE HAD BEEN INVITED IN AS A CONSULTANT TO FACILITATE A  
11 CONVERSATION WITH THE BOARD AND THE SENIOR MANAGEMENT TEAM ON  
12 STRATEGIC OPTIONS FOR THE FUTURE OF ANGIOSCORE.

13 **Q.** WAS THERE ANY CONCRETE BUSINESS OPPORTUNITY THAT WAS ON  
14 THE TABLE AT THE TIME?

15 **A.** NO.

16 **Q.** NOW, WERE YOU -- YOU WERE ASKED THE QUESTION WHETHER YOU  
17 SUPPORT ACQUIRING ANOTHER COMPANY, TECHNOLOGY, OR PRODUCT  
18 LINE?

19 **A.** YES.

20 **Q.** HOW DID YOU INTERPRET THAT QUESTION?

21 **A.** WELL, I VIEWED THAT QUESTION AS BEING A NEW PRODUCT,  
22 TECHNOLOGY, OR SERVICE FOR SOMETHING OUT OF THE AREA OF  
23 BALLOON ANGIOPLASTY, OUR PRIMARY FOCUS OF BUSINESS, SOMETHING  
24 NEW LIKE A BIFURCATION STENT WHICH TRIREME WAS DEVELOPING, OR  
25 A TRIPLE A DEVICE, SOMETHING OTHER THAN ANGIOPLASTY PRODUCTS.